

# KENNEDY'S DEFENSE: WAS NOT IN HOTEL ON NIGHT OF MURDER.

AN EVERY DAY SCENE AT THE KENNEDY TRIAL.

Mrs. Kennedy prompting her lawyer during cross-examination.



(Continued from First Page.)

rest in the morning papers next day, and that recalled to my mind the fact of my meeting him."

Q. Oh, you read it in the morning paper? A. Yes, sir.

Q. At what time? A. Oh, about 8 o'clock.

"Are you aware," said Mr. McIntyre, coming close to the witness, "that this murder was not discovered until after 10 o'clock on the morning of Aug. 16?"

"Well, I read it, anyway. It may have been later in the day."

**Testimony of the Dead.**

After recess Mr. Canwell offered the death certificate of Mrs. Julia Shaxon, but as the stenographer who took her testimony was not present this testimony went over until to-morrow.

Julia Shaxon, the witness who saw Kennedy on the night of the murder, was called by Mr. Canwell. A hack driver at St. George, was the next witness. He was in that business at St. George's.

"I was standing at the gate at St. George when the boat arrived," he said.

Mr. Kennedy was one of the last ones to get on the boat, the gentleman in the boat, a carriage, he came off the boat with his coat collar turned up and hat on the side of his face.

Q. How was he dressed? A. He was dressed in a suit, a white shirt, a white tie, a white waistcoat, a white hat, a white cane.

Q. What kind of a hat? A. Derby hat.

Q. What was his condition? A. He was in a very bad condition.

Q. How was he? A. He was in a very bad condition.

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## KENNEDY'S FEEL TENSE STRAIN

Mrs. Kennedy came up on an early boat and went to visit her husband before coming into the court room.

There was a long and affecting talk between them, both felt that the most important part of the trial, to them, had arrived, and they were beginning to feel the strain of the proceedings.

Mrs. Kennedy, however, came into court in her usual composed manner. Kennedy's super, nerve has not yet failed him. He was cooler and more collected than the witnesses who were testifying in his behalf.

Mrs. Kennedy wore a gorgeous suit with fancy plaid trimmings, the first of gayety in colors she has worn during her attendance at the trial.

Court opened at 10 o'clock. The practice session began with the reading of the death certificate of Mrs. Julia Shaxon.

Mr. McIntyre cross-examined the witness, who knew that this defendant was arraigned in a police court, before a coroner and was tried before a jury for murder in the first degree.

Q. Did you not come here and testify? A. I did not.

Q. Who brought you the affidavit which you signed in this case? A. Mr. Canwell.

Under the last cross-examination by Mr. McIntyre the witness grew angry and had to be cautioned by the court.

The witness was asked if it wasn't a fact that he did not make affidavit until after he had seen a photograph of the defendant.

"No, sir; it wasn't necessary," he replied.

Q. How was it you didn't testify at the previous trial? A. I didn't realize how important my testimony was.

**Finley's Story.**

Thomas J. Finley, in the lively business at St. George, Staten Island, was the next witness called.

"He came off the boat, wearing a coat buttoned up around his neck and hat on a dark derby hat. He seemed to be under the influence of liquor."

Q. Do you remember asking him at the time for a new trial, what was the color of Dr. Kennedy's hair? A. Yes, sir.

Q. Did you say it was fair? A. Yes, sir.

"Look at it," said Mr. McIntyre, swinging around and pointing at Kennedy. "How you call that hair fair?"

"No, sir," Kennedy's hair is a very dark brown, almost black.

**Ex-Convict Witness.**

Edward Burns, of Port Richmond, S. I., a produce dealer, was next called.

"On the morning of Aug. 16," he said, "about 12 o'clock, I went to the corner of Grove and Richmond roads. I saw a man in a dark coat and hat, who I stopped to give my horse a drink. A gentleman came across the road, I didn't know at that time who the gentleman was."

Q. Do you see that gentleman here now? A. Yes, sir.

Q. About what time was that? A. About 2 o'clock.

Q. How long did you know him? A. A few minutes.

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a repetition of his former evidence.

**Bank Attache Testifies.**

W. L. Douglas, of the Garfield Bank, was recalled and asked to state what the amount of Kennedy's deposit was at the time of the murder.

"What is material?" asked Justice Furman, addressing Mr. Hennessey.

"We wish to show the motive through this \$10,000 check, by proving that Kennedy did not have that amount in the bank."

The check was not a draft against Kennedy's account and his informant was not necessary, said Justice Furman.

The witness was then handed the Dolly Reynolds check and the pad bearing the words "E. Maxwell and wife" and asked to say if they were in the handwriting of the defendant.

Justice Furman ruled this out as he did not see the words "E. Maxwell and wife" written by her.

Edmund H. Kennedy, secretary of the Franklin Savings Society, said he was familiar with Kennedy's signature. He said the check was not in his handwriting.

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Capt. Price and Detective Carey found Melville at a hotel in Sanford, Melville did not recognize Price at first, but knew a little while when he saw who it was.

"Melville," Price said, "I've come here by order of Judge Furman, of the Supreme Court, and Special District Attorney McIntyre, and Hennessey."

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# COAL COMBINE DOES NOT KEEP RECORDS.

Witness at the Inquiry Into Trust Methods Says Agreements to Raise Prices May Be Possibly Made by Hypnotism.

James E. Childs Admits the Increase in Prices and that There Is an Agreement Pending for a Still Larger Increase.

"How do you account for the union of action as to prices of coal if there is no agreement?"

"I don't know," replied Mr. Seward. "You might call it hypnotism, or perhaps a community of minds. It might be done by telephone."

"Then you do not call it a combination?"

"No, sir."

"If they did not use this wireless telegraphy system, they would have to keep records?"

"Records are hard things to keep," frankly admitted the witness.

"They might be evidence of restraint of trade, thereby proving a conspiracy?"

"There are many lawyers in Congress and they might think so," testimony given today to United States Industrial Commission's Sub-Committee in coal roads' inquiry.

The railroad coal combine, of which J. Pierpont Morgan is credited with being the guiding financial spirit, was the subject of a scorching investigation today by the Sub-Committee on Transportation of the Industrial Commission appointed by President McKinley.

The first sitting opened at 10:30 A. M. in the Chamber of Commerce, as Congressman Thomas W. Phillips presiding.

Other members present were Charles J. Harris, John I. Kennedy and E. D. Conger. The Industrial Commission has been in existence three years, during which time it has investigated various trusts, combinations, and labor unions, upon which reports have been presented to Congress.

The present investigation is to ascertain the manner in which the price of coal is fixed, agreements between railroads and the operators, the relationship to labor and the wages paid, the employment and the strikes in the mines.

**Childs on the Stand.**

The first witness was James E. Childs, general manager of the New York, Ontario and Western Railroad. He testified that in 1900 his company had 375 per cent of the total anthracite coal business of the country.

Scranton, Pa., he said, was its principal point of shipment.

"I went there to get Melville," he said, "and I am glad to have been able to keep my word as to bringing him back, even if I had to treat him like a prisoner for the defense made a bad track in insinuating that the police got Melville out of the way, and I told the lawyers that if they wouldn't bring Melville back I would. I am glad to keep that promise."

"His testimony must be heard on the stand," said the court, "and the police force must not remain. I don't know what he can or will testify to, but I know he will be on the stand Tuesday, if nothing happens."

The dispatches from Florida say that Melville had been taken to the stand.

At the conclusion of Mr. Childs' examination a recess was taken until 2 o'clock.

Mr. Childs was asked by Mr. Seward if he had been asked to testify at the trial of the defendant.

"Yes, sir," he said, "I had been asked to testify at the trial of the defendant."

"How much anthracite coal is used in New York?"

"About 100,000 tons," he said.

"Are there any independent dealers?"

"Yes, sir," he said, "there are independent dealers."

"Do they permit to ship here all the coal they want?"

"They can ship as much as they want," he said.

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J. PIERPONT MORGAN IN HIS OFFICE.



The Evening World's artist, Kate Carow, sketched Mr. Morgan in his office. The picture here presented is a "true bill." None of the photographer's cunning has been used to dress up this human document. In the corner is Mr. Morgan's signature, worth unreckoned millions.

The secret of Morgan's success is in his platform, which can be crystallized into one sentence: "Competition is criminal when it destroys the interest on investments. Save the interest and obliterate the other."

## PUSHING UP THE PRICE OF COAL A FINE ART.

Price at tidewater, 1890..... \$3.93-19

Price at tidewater, 1900..... 3.75-10

Price at tidewater, 1901..... 4.10-10

The above figures were given by General Manager Childs, of the Ontario and Western, at the Trust inquiry to-day. When asked about a probable combination of the anthracite and bituminous coal roads, he remarked:

"STRANGE THINGS HAVE BEEN DONE IN WALL STREET LATELY."

We have very close relations with the New York Central, occupying the same terminal with it in Westchester.

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